638/06 M. Jaiswal
Presented by Shri ..... dated 8/3/06

(1) (2) (3)

IN THE HON'BLE HIGH COURT OF CHHATTISGARH, BILASPUR (C.G.)

M.C.C. NO. 113 /2006

Single Bench

(ARISING OUT OF C.R. No. 73/05)

APPLICANT (APPLICANT /NON-APPLICANT)	:	**Sarvan Singh**, s/o Teja Singh, aged 65 years, Delhi Fency Stores, Malviya Road, Raipur, Residential address- Raipur, Tahsil & District- Raipur (C.G.)

VERSUS

NON-APPLICANT (NON-APPLICANT/ APPLICANT)	:	**Smt. Pushpa Madnani**, w/o. late Murlidhar Madnani, aged 47 years, years S/o Shri Kacharu Ram Sahu, R/o. Panchsheel Nagar, Q.P.S.M.-4, Raipur, Tahsil & District Raipur (C.G.)

APPLICATION FOR REVIEW/RECALL OF ORDER DATED 20.02.06 PASSED IN CIVIL REVISION NO. 73/05 BY THE HON'BLE HIGH COURT.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

A.F.R

आदेश पत्रक

मामला क्रमांक M.C.C. NO. 113/06 सन् 200

(11)

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

10/03/2006

Shri M.P.S. Bhatia, Counsel for the applicant.

Heard on admission.

Non-applicant a landlord; in accordance with Section 23(J) of the Chhattisgarh Accommodation Control Act, 1961 (henceforth, "the Act") filed application under Section 23(A) of the Act for recovery of possession of suit accommodation against the applicant/tenant before the Rent Controlling Authority (henceforth, "the Authority"). In that eviction proceeding the Authority passed an order for eviction against the applicant. Being aggrieved by that eviction order dated 27/05/2005 applicant field a Civil Revision under Section 23(E) of the Act. The revision was registered as Revision No.73/2005 and was listed on 20/02/2006 for final hearing.

The applicant was present in Court along with his Senior Advocate Shri Sreekumar Agrawal and other Advocate Shri Anand Kumar Gupta. Non-applicant was represented through her counsel Smt. Fouzia Mirza. Applicant on that day, when the case was taken up, prayed for withdrawal of the revision with a request to allow him six months' time to vacate the suit premises to which learned counsel for the non-applicant has no objection. The Court considered the prayer of the applicant and passed an order vide which the revision was dismissed as withdrawn with a direction to the applicant/tenant to vacate the suit premises just after expiry of six months. The applicant signed the order-sheet in presence of his advocate Shri Anand Kumar Gupta who also identified the applicant.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Applicant is a tenant and non-applicant is a woman landlord in whose favour the Authority has passed an order for eviction of the suit accommodation. Applicant the tenant who instead of vacating the house came up in revision. The order of the Authority was dated 27/05/2005. The applicant by withdrawal of revision further obtained six months time for evicting the suit accommodation. But now, it appears that in the garb of this review petition, he wants to retain the possession over the suit accommodation by lingering on the litigation and to prevent the landlord from taking lawful possession over the suit accommodation.

This review petition has been filed on the ground that he understood six months time is being allowed to him after dismissal of his application on merit for getting stay from Hon'ble the Supreme Court and therefore, the consent for withdrawal of civil revision was given by misunderstanding.

Application for review can be considered if it satisfies conditions envisaged under Order 47 of the C.P.C., i.e., (a) the discovery of new and important matter or evidence which after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the order made; or (b) on account of some mistake or error apparent on the face of the record, or (c) for any other sufficient reasons.

For allowing application for review conditions (a) and (b) do not exist in the instant case, so far as condition (c) is concerned, when applicant was present in Court along with Senior Advocate Shri Sreekumar Agrawal and other Advocate Shri Anand Kumar Gupta and not only withdrew the revision but also made a prayer that six months time be

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

allowed to him to vacate the accommodation, thereafter order was passed in open court in presence of applicant and his advocates and advocate appearing for other party. The applicant accepted the contents by putting his signature in order sheet. He was identified by his advocate Shri Anand Kumar Gupta and he signed in his presence. All these circumstances clearly establish that there was no room for misunderstanding hence, there is no sufficient cause for reviewing the order.

It is clear that only in order to retain the possession by keeping litigation alive applicant has filed this application and impliedly malign the legal system and legal profession. If such practice is allowed that would impair the sanctity of legal system and malign the prestige of practitioners.

The review petition is dismissed.

Sd/-
V.K.Shrivastava
Judge

raju